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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,864	05/27/2005	Pal G. Bergan	P18684USPC	4637
29078 7590 12/08/2009 CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS OSLO, N-0130 NORWAY				
EXAMINER NGUYEN, CHI Q				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
12/08/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vest@onsagers.no
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Office Action Summary

Application No.

10/536,864

Applicant(s)

BERGAN, PAL G.

Examiner

CHI Q. NGUYEN

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-44 is/are pending in the application.
4a) Of the above claim(s) 42-44 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 29-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II (claims 29-41) in the reply filed on 9/7/2009 is acknowledged.

Claims 1-28 have been cancelled.

Claims 29-41 are pending.

Claims 42-44 have been withdrawn.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/18/2009 is being considered by the examiner.

Claim Objections

Claims 30-35 are objected to because of the following informalities: claimed preambles for claims 30-35 should read --The structural element--. Appropriate correction is required.

Claims 37-39 are objected to because of the following informalities: claimed preambles for claims 37-39 should read --The marine vessel--. Appropriate correction is required.

Claim 41 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim 34. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A compartment cited in

claim 34 is not positively claimed; however, claim 41 is improperly further cited a positive limitation "wherein the compartments are..."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "the hull" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the compartments" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,688,066 to Cottier et al.
Claim 29:

Cottier et al. disclose in Figs. 2-4, a layered structural element for use in marine vessels, comprising two substantially parallel metal sheets 11/15 spaced apart to define

a void 17 there between, wherein the void 17 is filled with a layer of cementitious material having a density less than 1200 kg/m³ (col. 8, lines 15-18), said element further comprising means 51 (Fig. 4) for increasing bonding properties or connecting properties between the metal sheets and the cementitious layer.

Claim 30:

Wherein the means 51 for increasing bonding properties or connecting properties are dowels extending from the inside surface of the metal sheets 11/15 into the cementitious layer, an adhesive layer applied to the inside surface of the metal sheets, increasing the roughness of the inside surface of the metal sheets, or any combination of such means.

Claim 31:

Further comprising one or more elongated, hollow channel bodies 4 arranged in the cementitious layer (Fig. 3).

Claim 32:

Wherein the channel bodies 4 are arranged to be load bearing when the structural element is employed as a structural element in a marine vessel.

Claim 33:

Wherein spacers 5 are affixed to the channel bodies 4, such spacers arranged to center the channel bodies in the cementitious layer between the metal sheets.

Claim 34:

Wherein the channel bodies 4 are closed at each end, and adapted for use as a compartment for storing liquids.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35- 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,688,066 to Cottier et al in view of US Pat. No. 6,418,686 to Record.

Claim 35:

Cottier et al. disclose the basic structures for a layered structural element as stated above but do not disclose expressly wherein a first of said metal sheets is corrugated, the second of said metal sheets is planar, wherein the second metal sheet is arranged against the corrugated sheet so as to form a plurality of elongated channels, said channels being filled with the cementitious material. Record discloses in Fig. 2, a layer structural element 10 comprising a first and a second metal sheets 118/120 are corrugated and a cementitious material layer 100 in between. In view of Record, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cottier et al. one of the sheets is corrugated in order to enhance integrity for the layered structural element.

Claims 36-41:

Cottier et al. in view of Record disclose the basic layered structural element as stated but do not disclose the layered element is for marine vessel constructed or hull or bulkheads or decks; the channel bodies are utilized as conduits for cables or piping and

compartments are used to store ballast water or fuel. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentia the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987).

Response to Arguments

Applicant's arguments with respect to claims 29-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635